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January 4, 2018

Via ECF

Honorable Carol Bagley Amon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hamilton v. The City of New York et al., 15 CV 4574 (CBA) (SJB)

Dear Judge Amon:

Our office represents defendant Police Detective Louis Scarcella (Ret.) in the above-referenced action. We write to respectfully join in the reply letter filed by defendants City of New York, Frank DeLouisa, and Joseph Ponzi (collectively, the “City defendants”) dated January 4, 2018 (Doc. No. 80), and request that Your Honor also accept Det. Scarcella’s pre-motion conference letter (Doc. No. 77) as timely-filed.

We note in this regard that Magistrate Judge Bulsara did in fact extend the deadline for completing discovery in this case to November 30, 2017 (see attached ECF docket text of the Order entered on October 23, 2017). In light of that extension, the previously-ordered deadline of November 28, 2017, for filing pre-motion conference letters was obviously moot. The new deadline, pursuant to the prior orders discussed in the City defendants’ reply letter and in accordance with Fed. R. Civ. P. 56(b), was thirty (30) days after the extended deadline for completing discovery, i.e., January 2, 2018 (this is the first business day thirty (30) days after November 30, 2017). Both the City defendants’ and Det. Scarcella’s pre-motion conference letters were timely filed on that date.

We would also respectfully note that, contrary to what plaintiff’s counsel insinuates in his letter (Doc. No. 79), the Brooklyn District Attorney’s Office (“DA’s Office”), after thoroughly reviewing plaintiff’s case, did not find that Det. Scarcella had engaged in any misconduct or acted inappropriately in any way. Although the DA’s Office did agree to dismiss plaintiff’s conviction and the convictions in several other cases that Det. Scarcella had worked on, it did so for reasons that had nothing to do with Det. Scarcella’s police work or any alleged misconduct or impropriety by Det. Scarcella. Importantly, the DA’s Office has also thoroughly reviewed dozens of other cases that Det. Scarcella had worked on in his long, decorated career

(during which he received numerous commendations for his extraordinary service) and is firmly standing behind the convictions obtained in all those cases.

Thank you for Your Honor's consideration of this matter.

Respectfully submitted,

/s/ Richard E. Signorelli

/s/ Bryan Ha

Richard E. Signorelli

Bryan Ha

Attachment



Bryan Ha <bhanyc@gmail.com>

Activity in Case 1:15-cv-04574-CBA-SJB Hamilton v. City of New York et al Applicable Party

ecf_bounces@nyed.uscourts.gov <ecf_bounces@nyed.uscourts.gov>

Mon, Oct 23, 2017 at 11:03 AM

To: nobody@nyed.uscourts.gov

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 10/23/2017 at 11:03 AM EDT and filed on 10/23/2017

Case Name: Hamilton v. City of New York et al
Case Number: 1:15-cv-04574-CBA-SJB
Filer: City of New Haven
John/Jane Doe Nos. 11 through 20
New York City Police Department
Louis Scarcella
Billy White

Document Number: No document attached

Docket Text:

ORDER: Defendants' motion to compel the production of underlying credit card statements is denied, in light of Plaintiff's creation and production of a spreadsheet containing an itemization of such expenses. To the extent the spreadsheet contains expenses that total less than those alleged to have been incurred, that fact may be explored through cross-examination at trial. The close of discovery is extended to November 30, 2017. No further extensions will be granted. So Ordered by Magistrate Judge Sanket J. Bulsara on 10/23/2017. (Zhang, Fan)

1:15-cv-04574-CBA-SJB Notice has been electronically mailed to:

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